

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GLORIA JACQUEZ, CHANDRA
JACQUEZ, and R.J.,

Plaintiffs,

v.

CITY OF SAN JOSE, and JACOB
MORRIS,

Defendants.

Case No. 16-cv-05330 NC

VERDICT FORM
(LIABILITY PHASE)

We the Jury unanimously find as follows:

QUESTION 1: Excessive Force

1-1 Did plaintiffs prove by a preponderance of the evidence that Jacob Morris violated the Fourth Amendment of the U.S. Constitution by using excessive force to seize Richard Jacquez?

YES _____ NO _____

[If your answer to Question 1-1 is YES, then answer Questions 1-a, 1-b, and 1-2. If your answer to Question 1-1 is NO, then skip to Question 2]

1-a Was it feasible for Jacob Morris to warn Richard Jacquez before striking him with his vehicle?

YES _____ NO _____

1-b Did Jacob Morris warn Richard Jacquez before shooting him?

YES _____ NO _____

1-2 Did plaintiffs prove by a preponderance of the evidence that the excessive force caused harm to Richard Jacquez?

YES _____ NO _____

[Proceed to Question 2]

QUESTION 2: Fourteenth Amendment, Interference with Familial Relationship

2-1 Did plaintiffs prove by a preponderance of the evidence that Jacob Morris violated the Fourteenth Amendment to the U.S. Constitution?

YES _____ NO _____

[Proceed to Question 3]

QUESTION 3: Negligence

3-1 Did plaintiffs prove by a preponderance of the evidence that Jacob Morris was negligent in his use of force against Richard Jacquez?

YES _____ NO _____

[If your answer to Question 3-1 is YES, then answer 3-2. If your answer to 3-1 is NO, then skip to Question 4]

3-2 Did plaintiffs prove by a preponderance of the evidence that Jacob Morris's use of force was a substantial factor in causing harm to Richard Jacquez?

YES _____ NO _____

[Proceed to Question 4]

QUESTION 4: Battery

4-1 Did plaintiffs prove by a preponderance of the evidence that Jacob Morris used unreasonable force against Richard Jacquez?

YES _____ NO _____

[If your answer to Question 4-1 is YES, then answer 4-2. If your answer to 4-1 is NO, then skip to Question 6]

4-2 Did plaintiffs prove by a preponderance of the evidence that Jacob Morris's use of force was a substantial factor in causing harm to Richard Jacquez?

YES _____ NO _____

[If your answer to Question 4-2 is YES, then answer 5. If your answer to 4-2 is NO, then skip to Question 6]

QUESTION 5: Self-Defense or Defense of Others, on Battery Claim

5-1 Did defendants prove by a preponderance of the evidence that Jacob Morris reasonably believed that Richard Jacquez was going to harm him and/or another person?

YES _____ NO _____

[If your answer to Question 5-1 is YES, then answer 5-2. If your answer to 5-1 is NO, then skip to Question 6]

5-2 Did defendants prove by a preponderance of the evidence that Jacob Morris used only the amount of force that was reasonably necessary to protect himself and/or another person?

YES _____ NO _____

[Proceed to Question 6]

QUESTION 6: Bane Act

6-1 Did plaintiffs prove by a preponderance of the evidence that Jacob Morris acted violently against Richard Jacquez for the purpose of preventing him from exercising his right to be free from unreasonable seizure, that Richard Jacquez was harmed, and that Jacob Morris acted intentionally?

YES _____ NO _____

[If your answer to Question 6-1 is YES, then answer 6-2. If your answer to 6-1 is NO, then skip to Question 7]

6-2 Did plaintiffs prove by a preponderance of the evidence that Jacob Morris's conduct was a substantial factor in causing harm to Richard Jacquez?

YES _____ NO _____

When Verdict Form completed, please have Presiding Juror sign and date this form and alert Courtroom Deputy.

Date: _____, 2018

Presiding Juror: _____